IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 335 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHRIDHAR ASHOKKUMAR ADHIKARI

Versus

SHYAMAL SHAH

Appearance:

MR PRAVIN GONDALIYA for Petitioner No. 1
DS AFF.NOT FILED (R) for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2
MR AJ DESAI, APP for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 09/04/2004

ORAL JUDGEMENT (Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

1. Petitioner Shridhar Ashokkumar Adhikari had filed this Habeas Corpus Petition before this Court under Article 226 of the Constitution and prayed that the respondent No.1 Shyamlal Shah, father of Krishna, wife of the present petitioner, be directed to produce her before the Court as according to him they got married on 20th November, 2003.

2. On 6.4.2004, Rule was ordered to be issued on this petition, make it returnable on 9.4.2004 i.e. today. Mr. Desai had waived service of rule for the respondent State of Gujarat. Direct Service was permitted to both the respondents i.e. respondent Nos. 1 and 2 and respondent No.2 was directed to keep his daughter Krishna present before the Court today at 11.00 a.m.

3. It seems that after the Notice of this Court was duly served upon respondent No.1, parents of Krishna, realized the wishes of their Daughter Krishna, who had already got married with the present petitioner on 28.11.03, therefore, they had willingly permitted their daughter Krishna to go to her husband's house. Accordingly, she had come to the house of the petitioner yesterday and since then she is staying with her husband i.e. the present petitioner.

4. Today, both of them have been kept present. Krishna has been identified by Shri Gondaliya. She has stated before us that her parents had allowed her to go to her husband's house and accordingly yesterday she had already come to the house of her husband i.e. the present petitioner. She has also stated that she wants to stay with her husband i.e. present petitioner.

5. In view of the above, nothing survives in this petition and accordingly it is disposed of. Rule is discharged.

(B.J. Shethna, J.)

(J.R. Vora, J.)

p.n.nair